

Ask the US Embassy

Print date: Wednesday, February 3, 2010

This week's column addresses two questions regarding qualifications for renewing or reapplying for U.S. nonimmigrant visas.

Question1: I received my visa in 2000, but have not used it for travel due to a number of circumstances, including ill health. I have also had to stop working due to my ill health and wonder if these changes will affect my renewal application.

Question 2: My visa was cancelled in 2004 due to misuse and I was banned from re-entering the U.S. for five years, until August 2009. Is there a time span I have to wait before I can reapply for and be considered for another visa?

Answer: While these questions involve two separate circumstances, they both seek information about qualifications for U.S. nonimmigrant visas, specifically renewal visas.

In general, individuals applying for a visa for the first time must demonstrate to the interviewing officer that they overcome the concept of immigrant intent, meaning that they have strong enough connections to their home country to cause them to return after a temporary stay in the United States. These connections can be through your employment, your family, your church, or other social groups.

When you reapply to renew your visa, the interview process is very similar to that of first-time applicants; in these situations, we consider several things:

1. **Your use of your previous visa**—This includes reviewing how often you traveled, how long you stayed during your trips, and how your travel patterns fit into your overall social and economic situation. There are no exact measurements of good use of a visa and our goal is simply to ensure that your travel makes sense. For example, if we interview a teacher, who spent several months in the U.S. during the school year, we will want to understand how that person can be absent from their employer for an extended time; in this type of case, it could be that a tenured teacher had accumulated extensive vacation leave and chose to travel during the school year. If applicants are unable to explain the frequency or duration of their trips to the United States, the interviewing officer will consider this as part of the renewal application. Before renewing your visa, officers try to weigh

whether you will use a new visa according to the terms outlined in our immigration law.

2. **Your current and former situation**—This includes looking at your economic, familial, and social situation when you were issued your previous visa and comparing it to your current situation. We understand that things often change, which is why we look at numerous factors during your application. As in the question above, illness, family issues, or your employment can prevent you from traveling on your visa. You should explain this information to officer, so that he can understand why you may not have traveled recently. Also, in these situations we will want to understand how your situation may have changed since your last application, and whether those changes affect your qualifications for a visa. If you are no longer employed, for example, we will want to understand how you will fund your travel and what connects you to Jamaica (which would cause you to return after visiting the U.S.). Ties to your employment are just one factor; individuals can demonstrate their connections to Jamaica through family, social groups, or property ownership, as well.
3. **Your immigration and criminal history**—This includes checking for any immigration or criminal violations, which may have taken place while you held your previous visa. Because we have access to a wide variety of information, we encourage all applicants to be forthcoming on their application, specifically when answering the questions about previous arrests or deportations. If this is your situation, as in the question above, being honest and providing information at the onset is the key; if an interviewing officer determines that you have concealed information, it can make you permanently ineligible for re-entry into the U.S. In the question above, the individual indicated a ban for five years—that ban would have been lifted in August 2009, when it expired. However, keep in mind that to qualify for another visa, you will need to show the interviewing officer that you have strong connections to Jamaica AND that you are not likely to repeat your prior offense if you are granted another visa. The same situation applies to individuals with criminal convictions in the U.S., Jamaica, or other countries. The officer will seek to understand when the crime was committed, the severity of the crime, and whether you are likely to repeat the crime in the U.S. or elsewhere if you are issued a visa.

As mentioned above, both first-time and renewal applicants must show that they will abide by the terms of a visa and that they are not intending to immigrate to the

United States. Our officers are trained to evaluate your application and conduct your interview in a way that allows us to understand your situation and determine if you qualify for the visa. Individuals applying to renew their visa should bring their current and former passport(s) to their interview and be prepared to discuss their use of the previous visa, their current situation, and any criminal or immigration issues.

At this time, the current wait period for scheduling an appointment for a nonimmigrant visa interview is less than week, so we encourage individuals to schedule appointments now, if their visas are set to expire in the next few months. Information on scheduling an interview, as well as the necessary forms and documents, are listed for you on our website at:
http://kingston.usembassy.gov/visa_services.html.

SPECIAL NOTE TO AMERICAN CITIZENS: As of February 1, the American Citizen Services Unit of the U.S. Embassy began to use an appointment system to schedule non-emergency services such as passport applications or renewals and consular reports of birth abroad. To schedule an appointment for these services, American citizens should e-mail the embassy at Kingstonpassport@state.gov. Appointments will be scheduled for the hours of 8 a.m. through 11 a.m., Monday through Friday.